A

True Narrative

Of all the

PROCEEDINGS

Againſt the

Lord Biſhop of London,

In the Council-Chamber at *White-hall*,

BY THE

LORDS COMMISSIONERS

Appointed by His MAJESTY to inſpect

Eccleſiaſtical Affairs.

LONDON,

Printed, and are to be Sold by *Randal Taylor*, near *Stationers-hall*. 1689.

Licens'd, and Entred

According to Order.

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The King's Eccleſiaſtical Commiſſion.

JAmes *the Second, by the Grace of God, King of* England, Scotland, France, *and* Ireland, *Defender of the Faith,* &c. *To the moſt Reverend Father in God, Our Right Truſty and Right Wellbeloved Councellor,* William *Lord Arch-Biſhop of* Canterbury, *Primate of all* England, *and Metropolitan. And to Our Right Truſty and Right Well-beloved Councellor,* George *Lord* Jefferyes, *Lord Chancellor of* England. *And to our Right Truſty, and Right Well-beloved Couſin and Councellor,* Lawrence *Earl of* Rocheſter, *Lord High Treaſurer of* England. *And to Our Right Truſty, and Right Well-beloved Couſin and Councellor* Robert *Earl of* Sunderland, *Preſident of Our Council, and Our Principal Secretary of State. And to the Right Reverend Father in God, Our Right Truſty and Well-beloved Councellor,* Nathanael *Lord Biſhop of* Durſeme. *And to the Right Reverend Father in God, Our Right Truſty and Well-beloved* Thomas *Lord Biſhop of* Rocheſter. *And to Our Right and Truſty and Well-loved Councellor, Sir* Edward Herbert *Kt. Lord Chief Juſtice of the Pleas, before Us to be holden, Aſſigned,* Greeting. *We for divers good weighty and neceſſary Cauſes Conſiderations, Us hereunto eſpecially moving, of Our meer Motion and certain Knowledge, by force and virtue of our Supream Authority and Prerogative Royal, do Aſſign, Name, and Authorize by theſe Our Letters-Patent, under the Great Seal of* England, *You the ſaid Lord Arch-Biſhop of* Canterbury, *Lord Chancellour of* England, *Lord High Treaſurer of* England, *Lord Preſident of Our Council, Lord Biſhop of* Dureſme, *Lord Biſhop of* Rocheſter, *and Our Chief Juſtice aforeſaid, or any other Three or more of you, whereof You the ſaid Lord Chancellour to be one, from time to time, and at all times during Our pleaſure, to Exerciſe, Uſe, Occupy and Execute under Us all manner of juriſdictions, priviledges, and preheminencies in any-wiſe touching or concerning any Spiritual or Eccleſiaſtical Juriſdictions, within this Our Realm of* England, *and Dominion of* Wales, *and to viſit, reform, redreſſes, order, correct and amend all ſuch abuſes, offences, contempts, and enormities whatſoever, which by the Spiritual or Eccleſiaſtical Laws of this our Realm can or may lawfully be reformed, redreſſed, corrected, reſtrained, or amended, to the pleaſure of Almighty God, and increaſe of virtue and the conſervation of the peace and unity of this Realm. And we do hereby give and grant unto you, or any Three or more of you, as is aforeſaid, whereof you the ſaid Lord Chancellour to be one, thus by us named, aſſigned, authoriſed, and appointed, by force of our ſupream authority and prerogative Royal, full power and authority, from time to time, and at all times during our pleaſure, under us to exerciſe, uſe and execute all the premiſes, according to the tenor and effect of theſe our Letters-Patents, any matter or cauſe to the contrary, in any wiſe notwithſtanding. And we do by theſe Preſents give full power and authority unto you, or any Three or more of you, as is aforeſaid, whereof you the ſaid Lord Chancellor to be one, by all lawful ways or means from time to time hereafter during our pleaſure, to enquire of all offences, contempts, tranſgreſſions, and miſdemeanours done and committed, and hereafter done and to be committed, contrary to the Eccleſiſtical Laws of this our Realm, in any County, City, Borough, or other place or places exempt or not exempted, within this our Realm of* England, *and Dominion of* Wales; *and of all and every Offender or Offenders therein, and them and every of them to order, corect, reform, and puniſh, by cenſure of the Church. And alſo we do give and grant full power and*

any authority unto you, or any Three or more of you, as is aforeſaid, whereof you the ſaid Lord Chancellor to be one, in like manner as is aforeſaid, from time to time, and at all times during our pleaſure, to enquire of, ſearch out, and call before you all and every Eccleſiaſtical perſon or perſons, of what degree or dignity ſoever, as ſhall offend in any of the particulars before-mentioned, and them, and every of them to correct, and puniſh for ſuch their misbehaviours and miſdemeanours, by ſuſpending or depriving them from all promotions Eccleſiaſtical, and from all functions in the Church, and to inflict ſuch other puniſhments or cenſures upon them, according to the Eccleſiaſtical Laws of this Realm. And further we do give full power and authority unto you, or any three or more of you as is aforeſaid, whereof you the ſaid Lord Chancellour to be one, by virtue hereof, and in like manner and form as is aforeſaid, to enquire, hear, determine, and puniſh all Inceſt, Adulteries, Fornications, Outrages, Miſbehaviours, and diſorders in Marriage, and all other grievances, great crimes or offences which are puniſhable, or reformable by the Eccleſiaſtical Laws of this our Realm, committed or done or hereafter to be committed or done, in any place exempt or not exempt, within this our Realm, according to the tenor of the Eccleſiaſtical Laws in that behalf: Granting you, or any three or more of you as is aforeſaid, whereof you the ſaid Lord Chancellour to be one, full power and authority to order and award ſuch puniſhment to every ſuch offender, by cenſures of the Church, or other lawful ways, as is aforeſaid; and further we do give full power and authority unto you, or any three or more of you, as is aforeſaid, whereof you the ſaid Lord Chancellour to be one, all and every Offender and Offenders in any of the premiſes, and alſo all ſuch, as by you, or any three or more of you as is aforeſaid, whereof you the ſaid Lord Chancellour to be one, ſhall ſeem to be ſuſpected perſons in any of the premiſes, and them to examine, touching every or any of the premiſes which you ſhall object againſt them; and to proceed againſt them, and every of them as the nature and quality of the offence, or ſuſpicion in that behalf ſhall require. And alſo to call all ſuch Witneſſes, or any other perſon or perſons that can inform you concerning any of the premiſes, as you, or any three or more of you as is aforeſaid, whereof you the ſaid Lord Chancellour to be one, and them, and every of them, to examine upon their corporal oaths, for the better tryal and opening of the truth of the premiſes, or any part thereof. And if you, or any three or more of you, as is aforeſaid, whereof you the ſaid Lord Chancellour to be one, ſhall find any perſon or perſons whatſoever obſtinate or diſobedient in their appearance before you, or any three or more of you as is aforeſaid, whereof you the ſaid Lord Chancellour to be one, at your calling and commandment, or elſe not in obeying, or in not accompliſhing your orders, decrees and commandments, or any thing touching the premiſes or any part thereof, or any other branch or clauſe contained in this Commiſſion, that then you, or any three or more of you, as is aforeſaid, whereof you the ſaid Lord Chancellour to be one, ſhall have full power and authority to puniſh the ſame perſon and perſons ſo offending, by Excommunication, Suſpenſion, Deprivation, or other Cenſures Eccleſiaſtical; and when any perſons ſhall be convented or proſecuted before you as aforeſaid, for any of the cauſes above expreſſed, at the inſtance and ſuit of any perſon proſecuting the offence in that behalf, that then you, or any three or more of you as is aforeſaid, whereof you the ſaid Lord Chancellour to be one, ſhall have full power and authority to award ſuch coſts and expences of the Suit, as well to and againſt the party, as ſhall prefer or proſecute the ſaid offence, as to and againſt any party or parties that ſhall be convented according as their Cauſes ſhall require, and to you in Juſtice ſhall be thought reaſonable. And further our will and pleaſure is, that you aſſume our well-beloved Subject William Bridgman *Eſquire, one of the Clerks*

of

of our Council, or his ſufficient Deputy or Deputies in that behalf to be your Regiſter, whom we do by theſe preſents depute to that effect, for the Regiſtring of all your Acts, Decrees, and Proceedings, by virtue of this our Commiſſion; and that in like manner, you, or any three more of you, whereof you the ſaid Lord Chancellour to be one, by your diſcretions ſhall appoint one or more Meſſenger or Meſſengers, or other Officer or Officers neceſſary and convenient to attend upon you for any ſervice in this behalf. Our will and expreſs commandment alſo is, That there ſhall be two paper Books indented and made, the one to remain with the ſaid Regiſter, or his ſufficient Deputy or Deputies, the other with ſuch perſon, and in ſuch places as you the ſaid Commiſſioners, or any Three or more of you, whereof you the ſaid Lord Chancellor to be one, ſhall in your diſcretions think moſt fit and meet; in both which Books ſhall be fairly entred all the Acts, Decrees, and Proceedings made or to be made, by virtue of this our Commiſſion. And whereas our Univerſities of Oxford *and* Cambridge, *and divers Cathedral and Collegiate Churches, Colledges, Grammar Schools, and other Eccleſiaſtical Incorporations, have been erected, founded, and endowed by ſeveral Progenitors, Kings and Queens of this Realm, and ſome others by their charity and bounty of ſome of their Subjects, as well within our Univerſities as other parts and places, the Ordinances, Rules and Statutes whereof be either imbeſſed, loſt, corrupted, or altogether imperfect. We do therefore give full power and authority to you, or any Five more of you, of whom we will you the forenamed the Lord Chancellor always to be one, to cauſe and command in our Name, all and ſingular the Ordinances, Rules and Statutes of our ſaid Univerſities, and all and every Cathedral and Collegiate Churches, Colledges, Grammar Schools, and other Eccleſiaſtical Incorporations, together with their ſeveral Letters Patents, and other Writings, touching or in any wiſe concerning their ſeveral Erections and Foundations, to be brought and exhibited before you, or any Five and more of you, as is aforeſaid, whereof you the ſaid Lord Chancellour to be one, willing, commanding, and authorizing of you, or any Five or more of you, as aforeſaid, whereof you the ſaid Lord Chancellour to be one, upon the exhibiting, and upon diligent and deliberate view, ſearch and examination of the ſaid Statutes, Rules, and Ordinances, Letters-Patents and Writings as is aforeſaid, the ſame to correct, amend, and alter; and alſo where no Statutes are extant, in all or any of the aforeſaid Caſes, to deviſe and ſet down ſuch good Orders and Statutes as you, or any Five or more of you, whereof you the ſaid Lord Chancellour to be one, ſhall think meet and convenient, to be by us confirmed, ratified, allowed, and ſet forth, for the better order and rule of the ſaid Univerſities, Cathedral and Collegiate Churches, Colledges, and Grammar Schools, erections, and foundations, and the Poſſeſſions and Revenues of the ſame, and as may beſt tend to the honour of Almighty God, increaſe of Virtue, Learning, and Unity in the ſaid places, and the publick Weal and Tranquility of this our Realm. Moreover, our Will, Pleaſure, and Commandment is, that you our ſaid Commiſſioners, and every of you, ſhall diligently and faithfully execute this our Commiſſion, and every part and branch thereof, in manner and form aforeſaid, and according to the true meaning thereof, notwithſtanding any appellation, provocation, priviledge, or exemption in that behalf, to be had, made, pretended, or alledged by any perſon or perſons reſident or dwelling in any place or places exempt, or not exempt, within this our Realm; any Law, Statutes, Proclamations, or Grants, Priviledges, or Ordinances, which be, or may ſeem contrary to the Premiſes notwithſtanding. And for the better credit, and more manifeſt notice of your ſo doing, in the Execution of this our Commiſſion, our pleaſure and commandment is, that to your Letters miſſive, Proceſſes, Decrees, Orders, and Judgments, for or by you, or any Three or more of you, as is aforeſaid, to be awarded, ſent forth, had, made, decreed, given or pronounced, as ſuch certain publick places as ſhall be appointed by you, or by any Three more of you, as is aforeſaid, for the due Execution of this our Commiſſion, you or ſome Three or more of you as is aforeſaid, whereof you the ſaid Lord Chancellour to be one, ſhall cauſe to be put and fixed a Seal, Ingraven with a Roſe and Crown, and the Leteer* J: *and figure* 2 *before, and the Letter* R. *after the ſame, with a ring circumference about the ſame Seal, containing as followeth,* Sigillum Commiſſionariorum Regiæ Majeſtatis ad Cauſas Eccleſiaſticas. *Finally, We will and command all ſingular other our Miniſters and Subjects in all and every*

place

place and places, exempt and not exempt, within our Realm of England, *and Dominion of* Wales, *upon any Knowledge or requeſt from you, or any Three or more of you, as is aforeſaid, to them, or any of them, given or made, to be aiding, helping or aſſiſting unto your commandments, in and for the due executing your Precepts, Letters, and other Proceſſes, requiſite in and for the due Executing of this our Commiſſion, as they and every of them tender our pleaſure, and will anſwer the contrary at their utmoſt perils. In Witneſs,* &c.

The Kings Letter.

Dated *Monday, July* the 14th.

Delivered at *Fulham* on *Thurſday*, being the 17*th* of the ſame *June* in the Afternoon, by Mr. *Atterbury*, the Meſſenger.

JAMES R.

Right Reverend Father in God, We greet you well. Whereas We have been Inform'd, and are fully Satisfy'd, that Dr. John Sharp, *Rector of the Pariſh Church of St.* Giles in the Fields, *in the County of* Middleſex, *and in your Dioceſs, notwithſtanding Our late Letter to the moſt Reverend Fathers in God the Archbiſhops of* Canterbury *and* York, *and Our Directions concerning Preachers, given at Our Court at* Whitehall, *the* 15th *of* March, 1685. *in the Second Year of Our Reign; yet he, the ſaid Dr.* John Sharp, *in contempt of the ſaid Orders, hath in ſome of the Sermons he hath ſince preached, preſumed to make unbecoming Reflections, and to utter ſuch Expreſſions as were not fit or proper for him; endeavouring thereby to beget in the Minds of his Hearers an Evil Opinion of Us and Our Government, by inſinuating Fears and Jealouſies to diſpoſe them to Diſcontent, and to lead them into Diſobedience and Rebellion. Theſe are therefore to require and command you immediately upon Receipt hereof, forthwith to Suſpend him from further Preaching in any Pariſh, Church or Chappel in your Dioceſs, until he has given Us Satisfaction, and Our further pleaſure be known herein. And for ſo doing this ſhall be your Warrant: And ſo We bid you heartily Farewel. Given at our Court at* Windſor, *the* 14th *Day of* June, 1686. *in the Second Year of Our Reign. By His Majeſties Command.* Suderland.

The Biſhop of *Londons* Anſwer.

Sent by Dr. *Sharp* to the Earl of *Sunderland*, then at *Hampton-Court*, upon *Friday June* 18. who could have no Anſwer.

To the Right Honourable, the Earl of *Sunderland*, Lord Preſident, &c.

My Lord,

I Always have, and ſhall count it my Duty to obey the King in whatever Commands he lays upon me, that I can perform with a ſafe Conſcience: But in this, I humbly conceive, I am obliged to proceed according to Law; and therefore it is impoſſible for me to comply; becauſe, tho His Majeſty commands me only to execute his pleaſure, yet in the capacity I am, to do it, I muſt Act as a Judge; and your Lordſhip knows no Judge condemns any Man before he has Knowledge of the Cauſe, and has cited the party, However, I ſent to Mr. Dean, *and acquainted him with His Majeſties Diſpleaſure, whom I find ſo ready to give all Reaſonable Satisfaction, that I have thought fit to make him the Bearer of this Anſwer, from him that will never be unfaithful to the King, nor otherwiſe than, My Lord, your Lordſhips moſt humble Servant,* H. London.

On *Sunday* after Dr. *Sharp* carried a Petition to *Windſor*, which was not admitted to be Read. Which is as follows.

To the Kings Moſt Excellent Majeſty, the Humble Petition of *John Sharp*, Clerk Sheweth,

THat nothing is ſo afflictive to Your Petitioner, as his Unhappineſs to have incurred your Majeſties Diſpleaſure, which he is ſo ſenſible of, that ever ſince your Majeſty was pleaſed to give notice of it, he hath forborn all publick Exercise of his Function, and ſtill continues ſo to do.

Your Petitioner can with great Sincerity affirm, that ever ſince he hath been a Preacher, he hath faithfully endeavoured to do the beſt Service he could in his place and ſtation, as well to the late King, your Royal Brother, as your Majeſty, both by preaching and otherwiſe.

And ſo far he hath always been from venting any thing in the Pulpit tending to Schiſm or Faction, or any way to the Diſturbance of your Majeſties Government, that he hath upon all occaſions in his Sermons, to the utmoſt of his power, ſet himſelf againſt all ſorts of Doctrines and principles that look that way: And this he is ſo well aſſured of, that he cannot but apprehend that his Sermons have been very much miſrepreſented to Your Majeſty.

But if in any Sermon of his, any Words or Expreſſions have unwarily ſlipt from him, that have been capable of ſuch Conſtructions, as to give Your Majeſty Cauſe of Offence, as he ſolemnly profeſſes he had no ill Intention in thoſe Words or Expreſſions, ſo he is very ſorry for them, and reſolves for the future to be ſo careful in the Diſcharge of his Duty, that Your Majeſty ſhall have Reaſon to believe him to be Your moſt moſt Faithful Subject.

And therefore he earneſtly Prayeth, that Your Majeſty out of Your Royal Grace and Clemency, would be pleaſed to lay aſide the Diſpleaſure You have conceived againſt Your Humble Petitioner, and reſtore him to that Favour which the reſt of the Clergy enjoy under Your Majeſties Gracious Government.

So ſhall Your Petitioner ever Pray, &c.

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Lord Biſhop of London,

In the Council-Chamber at *White-hall*, &c.

Mercurii 4 die Auguſt, 1686.

Preſent in Council,

Lord Chancellour, *Lord Biſhop of* Durham, *Lord Treaſurer*, *Lord Biſhop of* Rocheſter, *Lord Preſident*, *Lord Chief Juſtice* Herbert.

Upon my Lord Biſhops appearing before them, according to a Summons ſent unto them, the Lord Chancellour Jeffreyes *began*, viz.

Lord Chancellour. MY Lord Biſhop of *London*, the Lords here preſent, have received Orders from the King to inſpect all Eccleſiaſtical Affairs and Perſons; and hath commanded us, to cite you before us; and I deſire you would give a poſitive and direct anſwer to it: What was the reaſon you did not ſuſpend Dr. *Sharp*, when the King commanded, and ſent you expreſs Order ſo to do, and told you what it was for, *viz.* for Preaching Seditiouſly, and againſt the Government.

Lord Biſhop. I have received ſuch an Order; and if what was done in that affair was done amiſs, and contrary to my duty, it was my ignorance and inadvertency, and not a wilful fault: I have been always ready to expreſs my duty to his Majeſty, and if in this particular I have not complyed, it was, as I was told, I could not. I was not ſo ſhallow as to go on my own head, but took the beſt advice I could get: I conſulted thoſe whoſe buſineſs it is more perfectly to underſtand theſe proceedings, all told me I could not legally do it, but by way of expreſs, and hearing him.

Lord Chanc. Ignoratia Jurat non excuſat; you ought to have known the Law, and it was a wonder you did not: The King is to be obey'd, and if you have any reaſon to ſhew in this particular, we are ready to hear you.

Lord Biſhop. I knew not what would be laid to my Charge, and therefore was not provided to make ſuch a Defence as I might have done; but if your Lordſhips will give me a Copy of your Commiſſion, and a Copy of my Charge, and allow me ſome time, I will endeavour to give your Lordſhips ſatisfaction.

Lord Chanc. My Lord, I would not miſ-interpret your words, but ſhall deſire you to explain their meaning: If by deſiring a copy of our Commiſſion, you deſign to quarrel with the Juriſdiction and Legality of the Court, I have another anſwer for you; but till I know your meaning here my anſwer is, That no copy of the Commiſſion can be granted, and it is unreaſonable to deſire it, it is upon Record, all the Coffee-houſes have it for a penny a piece, and I doubt not but your Lordſhip has ſeen it.

Lord Biſhop. I have never ſeen it; nor have I deſir'd it for ſuch ends to diſpute the legality of it: But your Lordſhip knows it is a thing altogether new to this Generation, and it may be ſomething may be found in it whereby I may be inſtructed and directed in my anſwer, and behaviour in the matter: But, my Lord, if I may not have a copy of it, will your Lordſhips pleaſe I may either read, or hear it read.

Lord Chanc. That is a thing I cannot grant of my ſelf, I muſt ask my Lords Commiſſioners Judgment; and if you will be pleaſed to withdraw you ſhall hear it.

The Biſhop and all the Company withdrew for a quarter of an hour, then returning, the Lord Chancellour ſaid,

My

My Lord, all the Commiſſioners are of opinion that your Requeſt is not to be granted, and that it is unreaſonable: Might every one that appears here challenge the ſight of our Commiſſion, and the Reading of it, all our time will be ſpent in the Reading, and we have ſomething elſe to do.

The Proceedings of Courts in this kind are never by Libel and Articles; *ſapientem in ſuccinctium ore tenus*, by word of mouth only; and it is a ſhort queſtion I ask, Why you did not obey the King.

Lord Biſhop. It is a ſhort Queſtion, but requires more words to Anſwer it. I pray your Lordſhips to conſider I am a Peer, a Biſhop, and have a Publick Truſt, though unworthy, under a Publick Character; and I would behave my ſelf as becomes one in theſe capacities.

Lord Chanc. We know very well your Lordſhips Quality and Character, and are willing to ſhew all due reſpect to your Lordſhip, but yet we muſt have a due regard for the King and Government too: His Majeſty muſt not be neglected.

Lord Biſhop. My Lord, I ſuppoſe there is no Appeals from the Court, and when a man is to be condemned at one Bar, and is in danger of being knockt at one blow, you would think it unreaſonable he ſhould not have ſome time to make his Defence.

Lord Chanc. My Lord, I ſuppoſe their Lordſhips will be willing to grant ſome time: I pray what time does your Lordſhip deſire.

Lord Biſhop. My Lord, it is the Aſſize-time, and moſt of the Council, upon ſome occaſion or other, (either buſineſs or diverſion) are in the Countrey: I pray you, my Lord, I may have till the beginning of the Term.

Lord Chanc. Hah! That's unreaſonable: His Majeſties buſineſs cannot admit of ſuch delays; methinks a week ſhould be enough: What ſays your Lordſhips, Is not a week enough?

The Commiſſioners being asked, ſignified by the Chancellour that a week was enough.

Lord Biſhop. Since your Lordſhip will grant no more I will ask no more.

Lord Chanc. Adjourn until *Munday* next, the Ninth of *Auguſt*, 1686.

Upon

Upon the Tenth day his Lordſhip came, attended with his Nephew, the Earl of Northampton, *his Brother-in-Law Sir* John Nicholas, *and his Brother Sir* Francis Compton, &c.

There being preſent in Council the ſame as before in the ſame proceedings.

Lord Chanc. MY Lord, we are here to hear to your Reaſons.

Lord Biſhop. My Lord, I have loſt no time for preparing my Anſwer, but am not ſo ready as I might have been, becauſe I could not light of the Commiſſion your Lordſhip told me was upon Record, and in every Coffee-houſe, but imployed a whole Week to ſearch for it, and could not have a ſight of it until laſt Night; if your Lordſhip doubts the truth of this, I have the perſon ready to make Oath here of it.

Lord Chanc. My Lord, you are a perſon of Honour, and we will not queſtion the truth of what you ſay, there needs no Oath: But my Lord, I muſt tell you, that we will not admit of any quarrelling with our Commiſſion, we are well aſſured of the legality of it, otherwiſe we would not be ſuch Fools as to ſit here.

Lord Biſhop. My Lord, I have other Reaſons why I deſire a ſight of your Commiſſion; it may be it may not reach me, being a Peer and a Biſhop; and it may be it may not reach this particular caſe, and therefore I deſire a ſight of it, in regard I could not ſee it until the laſt Night, I have not had time to take advice what to anſwer; if your Lordſhip will not be ſatisfied, I muſt give ſuch an anſwer as I have prepared, but it is my deſire to have longer time for it.

Lord Chanc. Is this all you have to ſay?

Lord Biſhop. This is the firſt thing: I do not deſire to prolong the time, the neceſſity of the caſe requiring it, the Council being out of Town in whom I think to confide.

Lord Chanc. If your Lordſhip will withdraw, we will give you an anſwer.

He withdrew for a quarter of an hour.

My

My Lord, as I formerly told you, we will not endure any quarrelling at our Commiſſion; it will be an odd thing in us to give you time to pick holes in it, but we are willing to pay all due reſpects to your Lordſhip: What time do you require?

Lord Biſhop. I ſhall ſubmit to your Lordſhips; but I hope a fortnight will not be unreaſonable.

Lord Chanc. Agreed: You ſhall have it until to morrow fortnight in the morning. *To which my Lord Chancellor added,* My Lord, when I told you our Commiſſion was to be ſeen in every Coffee-houſe, I did not ſpeak with any deſign to reflect on your Lordſhip, as if you were a hunter of Coffee-houſes, I abhorr'd the thoughts of it, and intended no more by it but what was common in the Town.

Note, *When the Biſhop ſpake concerning the Commiſſions,* Sir Thomas Charges *ſpake with a loud Voice, ſaying, Well put, well put; my Lord ſpeaks nothing but truth. There was alſo another Gentleman,* Sir John Lowther, *of* Lincolnſhire, *who as he was coming away in the Crowd, ſaid, There are ſome who have repreſented me as a Papiſt, but the contrary ſhall appear; I will not be affraid, nor aſhamed, to Vindicate my Lord Biſhops Cauſe, before the Commiſſioners themſelves.*

Tueſday, Auguſt 1686.

There being preſent in Council the ſame as in the former proceedings: The Lord Biſhop attending, the proceedings were as follow.

Lord Chanc. MY Lord, we are now ready to hear your Lordſhips Anſwer.

Lord Biſhop. My Lord, notwithſtanding the time hath been very ſhort, conſidering the weightineſs of the matter, and the abſence of many of the Learned Council, I have taken what advice I could, and have conſulted thoſe that are very Learned in the Laws. I hope there will be no Miſ-interpretation of my Words, I do not intend any thing which is derogatory to the Kings Supremacy; that is undutiful to His Majeſty, or Diſreſpectful to

your Lordships. My Council tells me, that your proceedings in this Court, are directly contrary to the Statute-Law, and are here to plead it if your Lordships will admit them.

Lord Chanc. We will neither hear your Lordship nor your Council in the matter; we are sufficiently satisfied of the legality of our Commission, as we often told you.

Lord Bishop. My Lord, I am a Bishop of the Church of *England*, and by all the Law in the Christian Church, in all Ages, and by the particular Law of this Land, I am, in case of offence, to be Tryed by my Metropolitan and Suffragans; I hope your Lordship will not deny the Right and Priviledge of Christian Bishops.

Lord Chanc. My Lord, you know our proceedings are according to what has been done formerly, and that we have an Original Jurisdiction; this is still questioning our Court.

Lord Bishop. It is partly.

Lord Chanc. Nay, it is absolutely so.

Lord Bishop. My Lord, I hope you will interpret every thing in your Commission in favour of the person that is brought before you: I humbly conceive that your Commission doth not extend to the Crimes laid to my charge, for you are to censure faults which are committed: This that I am accused of, was before the Date of your Commission.

Lord Chanc. I confess there is such a clause, but those are general clauses that take in things that are past, as well as those that are to come; hath your Lordship any thing more?

Lord Bishop. My Lords, protesting in my own Right, to the Laws of the Realm, as a Subject, and the Rights and Priviledges of the Church, as a Bishop, I shall, with your Lordships leave, give you my answer.

Which was accepted; and the Bishop withdrew, and left Dr. Sharp's *Petition, which the King had refused to accept.*

Lord Chanc. My Lord, we have read the Paper.

Lord Bishop. My Lords, it is Dr. *Sharp's* Petition to the King.

Lord Chanc. My Lord, be pleas'd to take it again, we are not concerned in it; will you please that your Lordships answer be read?

Lord Bishop. Yes, if your Lordship please. My Lord, I have this to say further, What I did in this matter was *Jurisperitorum Concilio.* I consulted my Council, who is the Judge of my Courts, as well as others; and the Law says, That what is done by the advice of Council, shall not be interpreted to be done malciously, or obstinately. The Law, in this case, requires, that if a Prince require

require a Judge to execute an order, which is not agreeable to the Law, he ſhall *Reſcribere & Reclamere Principi*: Now, my Lord, I conceived I acted in this according to my Duty, for I wrote back to my Lord Preſident, in as becoming words as I could; and acquainted him, that an Order to ſuſpend before Citation and hearing the perſon, is againſt Law, and expected his Majeſties further pleaſure.

In the next place, my Lords, I did in effect what the King commanded to be done, for I adviſed Dr. *Sharp* to forbear Preaching, till His Majeſty had received ſatisfaction concerning him; and accordingly, he hath forborn in my Dioceſs.

Lord Chanc. My Lord, will you have your Paper read?

Lord Biſhop. Yes, if your Lordſhip pleaſe; which contained the Kings Letter, and the Biſhops anſwer thereto.

Lord Chanc. Hath your Lordſhip any more to ſay?

Lord Biſhop. My Lord, I deſire your Lordſhip would hear my Council, by whom you may have more clear and full ſatisfaction concerning what I have ſaid.

Whereupon the Biſhop was deſired to withdraw, and after half an hour, he and his Council were called in; who were Dr. Oldiſh, Hodges, Price, *and* Newton. *A brief account of what they pleaded.*

Dr. Oldiſh. My Lord, the queſtion before your Lordſhip, is, whether the Biſhop of *London* hath been Diſobedient to the Kings command; concerning which it muſt be conſidered,

Firſt, What was commanded to be done.

Secondly, What he did in Obedience to it.

Thirdly, What Judgment ought to have been given by him.

It is apparent by the Letter, that the Letter that the King did not take cognizance of the cauſe, for the Words are (being in form) That Dr. *Sharp*, &c. ſo that it could not be an abſolute Suſpenſion, for that ſuppoſeth a proof of the Crime charged upon him: Then let us conſider the Words themſelves:

That you Suſpend him from Preaching. Now, my Lords, we have no ſuch thing in our Laws, ſo that the meaning muſt be Silencing of him. Where there is an abſolute Suſpenſion, there ought to be Citation, form of Proceeding, Judgment and Decree; to act otherwiſe is contrary to the Law of God, of Nature, of all Nations in all Ages, and was never known in the World.

Lord Chanc. I am loth to Interrupt you, but I muſt tell you,

this

this is an unneceſſary Harrangue; we know that it was not an abſolute Suſpenſion, but the queſtion is, Whether the Biſhop could Suſpend him from Preaching?

Oldiſh. Then, my Lords, I have gained another Point; if it were only Silencing him, the Queſtion is, Whether the Biſhop did not execute the Kings Commands? I think he did, and in ſuch a Method as is obſerved in our Courts.

When any eminent perſon is accuſed, the Judges ſend to him by a Letter, and if he appears, and complys with the Judges order, the Law is ſatisfied.

Judicium redditur invitas non involentes; The Biſhop did ſend for Dr. *Sharp*, ſhewed him the Kings Letter, adviſed him not to Preach till the King had received ſatisfaction; in which he promiſed to obſerve his Lordſhips command, and hath not Preached to this day, ſo that His Majeſties command was in effect fulfilled. My Lord, there is the like proceeding in the Common Law, for if an Attorny takes a mans Word for his appearance, there lyes no Action againſt the Attorny.

Lord Chanc. Cujus contrarium: There lyes an Action of Eſcape againſt the Attorney.

Dr. Hodges. My Lords, the matter of fact hath been ſtated, and the queſtion is, Whether the Biſhop hath been diſobedient to the Kings Command? It appears that he has not: Becauſe upon the receipt of his Majeſties Letter, he requir'd the Doctor not to Preach, and he hath obeyed him in that which the King commanded. To ſuſpend him the Biſhop could not do, the Act of Suſpenſion is a Judicial act: The King writes to him as to a Biſhop, to ſuſpend as a Biſhop and as a Judge, which could not be done without the hearing of the Cauſe. If the Prince ſends to a perſon that is not a Judge, that is only in a Miniſterial office, that office is to execute his commands: But when the King commands a Judge, he commands him to act as a Judge. This is no light matter the Dr. is accus'd of; it is for Preaching Sedition and Rebellion, which requires a ſevere Cenſure. And if the Biſhop, as a Judge, had Suſpended him, he had begun at the wrong end, for this has been Judgment before preſſed: In this Cauſe there ought to have been a Citation, our Books giving many Inſtances which would be too tedious to your Lordſhips. I will give this one: The Emperours proceedings againſt the King of *Sicily*, upon Information which he had received, and giving him no Citation, the King appealed to the Pope, who declared the proceedings to be void; and that it was againſt the law of Nature,

ture, which is above all positive Laws, to pass Sentence before Citation. This is the method of proving before all Courts, and I humbly conceive it is, and will be, the method of this Court; for otherwise, the Bishop need not to have been cited before you. The Bishop has done what was his Duty, he was bound to return his Reason to the King, why he did not do that which he was commanded, and to expect his further answer; which was done. I affirm, That if a Prince, or a Pope, command a thing which is not lawful, it is the Duty of a Judge *Rescribere*; which is all he can do Quoting his Author.

Dr. Price. The Question is *ut supra*: A Citation is *Jure Gentium*, and can never be taken away by any positive Command or Law whatsoever: The Bishop hath obeyed the King so far, as that he could not Rescribe, and expecting His Majesties further pleasure. If the Bishop could have suspended him, it must have been done *in Agnes*; but in regard it was only silencing him, which was requir'd, it might be done in a private room: The advice of a Bishop is in some sense an admonition, which is a Judicial Act, and this was given by a Bishop, and obeyed by the Doctor.

Newton. My Lord, the question is not *ut supra*, the Bishop hath not been disobedient. As in Nature no man can be desired to do that which is impossible, so no man can be obliged to do an unlawful act. (*Id non fit quod legittime fit.*) This Rule obliges all men, at all places, and at all times. The charge against Dr. *Sharp* is of a very high Nature; and he desired to be heard before he was condemned.

My Lords, the Bishops are *Custodes Cannonum*, and therefore must not break themselves: I affirm, the Bishop was so far from being Disobedient, that he was Obedient to the King: For where he did *Rescribere*, and heard not the further pleasure of the King returned, he ought to conclude, the King was satisfied with what he had written, according to his Duty, and the King had altered his commands. A Citation, as your Lordships have heard, is according to all Laws, in all Places, in all Judicial Acts; there is something to be done according to Law, and somewhat according to the Discretion of the Judges, and for that Reason as well as these, the Offenders ought to be cited before him; that which was in the Bishops power to do he hath done, and it was in effect what the King commanded to be done.

Lord Bishop. If through mistake I have erred in any circumstances, I am ready to begg His Majesties Pardon, and shall be ready to make any reparation I am capable.

The Biſhop withdrew for half an hour, then was called in.

Lord Chanc. We will be here again on *Wedneſday* next, and I deſire your Lordſhip to be here again about 10 in the Forenoon.

Lord Biſhop. My Lord, I deſire that care may be taken concerning the minutes which are taken by the Clerks of what have paſſed, and that I may not be miſrepreſented to the King by the miſtake of the Pen-man.

Lord Chanc. My Lord, you need not fear it; I hope you have a better Opinion of us; there ſhall be no advantage taken by them or us.

Biſhop Roch. There ſhall be no advantage taken, but all imaginable care taken concerning it.

Note, *When the Concellours were Pleading,* Dr. Pinſold, *the Kings Advocate, ſtood at the Chancellors Elbow and took Notes, by which it was expected that he ſhould make a Reply, but he ſaid nothing; and 'tis ſuppoſed that he ſtaid with the Council, when the Biſhop withdrew and gave them Reaſons for his ſilence.*

Die Lunæ, 6th *September*, 1686.

There being preſent in Council the ſame as in the former proceedings.

Lord Chanc. MY Lord, pray ſit down: You were deſired to appear this day to hear your Sentence, which (to prevent miſtake) we have ordered to be put in writing.

Lord Biſhop. My Lord, may I have leave to ſpeak before Sentence is read?

Lord Chanc. My Lord, we have heard you and your Council already.

Then the following Inſtrument whereby the Biſhop of London *was Suſpended, was by the Commiſſioners order, read by Mr.* Bridgman, *their Lordſhips Regiſter.*

By

By His Majesties Command for Ecclesiastical Affairs.

WHereas Henry, *Lord Bishop of* London, *hath been convened before us, for his Disobedience, and other his Attempts, mentioned in the Proceedings of this Cause; and the said Bishop being fully heard thereupon, We have thought fit, upon mature consideration of the matter, to proceed to this Our definitive Sentence, Declaring, Decreeing and Pronouncing, that the said* Henry, *Lord Bishop of* London, *shall for his said Disobedience and Contempt be Suspended, during His Majesties Pleasure; and accordingly, we do by these presents, Suspend him the said Lord Bishop of* London, *Peremptorily Admonishing and Requiring him hereby, to abstain from the Function and Execution of his Episcopal Office; and from all Episcopal and other Ecclesiastical Jurisdiction, during the said Suspension, upon pain of Deprivation and Removal from his Bishoprick.*

Given under our Hand and Seal the 6th day of *September*, 1686. Sealed with the Seal of the Courts C. *J* 2. *Rose*, *&c.* Crown with this Inscription round it, *viz. Sigillum Commissionarium Regia Majestatia ad Causas Ecclesiasticas:*

Signed by no body at all.

Some days since one of the Messengers attending the Court, deliver'd to the Dean of St. *Pauls*, a Warrant, the Tenour whereof followeth:

By His Majesties Commissioners for Ecclesiastical Affairs.

WHereas *We have given Sentence of Suspension against* Henry, *Lord Bishop of* London, *a Copy of which Sentence, under our Seal, is hereunto affixed. We have thought fit, and do hereby enjoyn and require you, to cause the said Sentence to be affixt on the Door of that Chapter-House, and on the place now called the* South *Door of the said Church; to the end, that publick Notice may be taken of the said Suspension. And you are to certify us, under your Common Seal, of the due Execution of what is hereby required.*

At our Council-Chamber at *White-Hall*, on *Tuesday*, the 28th Instant *Septemb.* at 11 of the Clock in the Morning. Given under our Seal, this Day of *Sept.* 1686. Sealed with the same Seal as the Sentence, but no Persons Names: Subscribed to the Dean and Chapter of *London.*

FINIS.